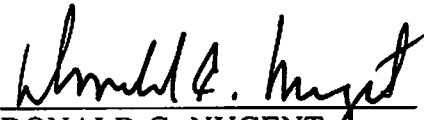


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Dennis D. Wandling, et al.,)	Case No. 5: 06 CV 2090
)	
)	JUDGE DONALD C. NUGENT
Plaintiff,)	
)	
vs.)	ORDER OF DISMISSAL
)	
Evergreen Investment Corp., et al.,)	
)	
)	
Defendants.)	

Counsel for Defendants Evergreen Investment Corporation and Evergreen Homes has filed a Notification of Automatic Stay (ECF #42) informing the Court that those Defendants have filed a Petition under Chapter 11 of the United States Bankruptcy Code. As such, this action is subject to an automatic stay under 11 U.S.C. § 362 (a). Accordingly, this action is DISMISSED WITHOUT PREJUDICE. This action may be reinstated, upon application, if the Bankruptcy Court modifies the stay to permit continuation of this proceeding or when the bankruptcy proceedings have concluded. Therefore, this action is dismissed without prejudice.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: November 15, 2007